

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 33-60 and 62-73 are currently pending in this case. Claims 1-32 and 61 were cancelled by previous amendments. In the present amendment, Claims 33-41, 43, 45, 51-60, 62-63, and 67-68 are amended, and new Claims 70-73 are added without introducing any new matter.

The October 4, 2007 Official Action objected to Claims 33-60 and 62-69 for informalities. Claim 63 was rejected under 35 U.S.C. § 112, second paragraph, as depending from a cancelled claim. Claims 33-37, 39-40, 42-43, 45-46, 48-49, 62 and 64-67 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sherer et al. (U.S. Patent No. 6,115,376, hereinafter “Sherer”.) Claims 38, 41, 44, 47, 50 and 68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sherer in view of Mori (U.S. Patent No. 6,172,991.) Claims 51-60 and 69 were indicated as allowable if rewritten in independent form. Claim 63 was indicated as allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to be in independent form.

Applicants acknowledge with appreciation the indication of allowable subject matter, and in response, the independent claims are amended to recite some of the features of dependent Claims 58-60 and 63, as discussed below.

In response to the objection to Claims 33-60 and 62-69 for formal issues, Claims 33-41, 43, 45, 51-60, 62-63, and 67-68 are amended to replace “grid” with “cell,” as requested by the pending Office Action. In addition, the expression “numeric” in independent Claims 33 and 67 is replaced with the expression “digital.” Since these changes are formal in nature, it is believed that no new matter has been added.

In response to the rejection of Claim 62 under 35 U.S.C. § 112, second paragraph, as being dependent from a cancelled claim, Claim 62 is amended to change the claim dependency to independent Claim 33, so that this rejection is overcome.

To clarify Applicants' Claim 33, this claim is amended to further recite "to generate a warning message to the logical layer when the part analyzed does not meet a selected condition and *to make the warning message compatible with an associated port of the logical layer*," (Claim 33, portions omitted, emphasis added.) These features find non-limiting support in at least in Claims 58-60 and 63 as presented in the Amendment of July 23, 2007, and in Applicants' disclosure as originally filed, for example in the specification at p. 3, ll. 15-20, and at p. 12, ll. 10-23. No new matter has been added. Since at least some of these features were previously presented in allowable dependent Claims 58-60 and 63, these claims are amended so as to be in compliance with the amended features of independent Claim 33. In addition, independent Claim 67 is amended to recite a similar feature.

Furthermore, new Claims 70-73 are presented. New dependent Claims 70-71 depend from independent Claims 33 and 67, respectively, and recite features related to a number of generated warning messages. New dependent Claim 72-73 depend from Claims 70 and 71, respectively, and recite features related to a threshold. These features find non-limiting support in Applicants' disclosure as originally filed, for example in the specification at least at p. 12, ll. 26-28. Again no new matter has been added.

In response to the rejections of Claims 33-50, 62, and 64-68 under 35 U.S.C. §§ 102(e) and 103(a), Applicants respectfully request reconsideration of these rejections and traverse the rejections, as discussed next.

Briefly summarizing, Applicants' Claim 33 is directed to a monitoring device for a multichannel numeric switch, wherein the switch includes, *inter alia*, a connecting interface defining source and destination ports, the connecting interface including a physical layer and

a logical layer. The monitoring device includes, *inter alia*: a probe unit coupled selectively to the connecting interface, configured to observe data between a physical layer and a logical layer; and a monitoring unit configured to analyze contents of the data cells probed by the probe unit, to generate a warning message to the logical layer when the part analyzed does not meet a selected condition and ***to make the warning message compatible with an associated port of the logical layer***, to output the warning message to the logical layer, and to trigger rejection of a cell probed by the probe unit upon transmission of the warning message.

Turning now to the applied references, Sherer describes a method to improve network security that can be implemented into a network repeater, for example a star interconnection device 100. (Sherer, Abstract, col. 6, ll. 15-19.) When the device 100 receives a data packet from a port, the repeater can check whether the source address of the packet corresponds to authentication data maps for particular ports. (Sherer, Abstract, ll. 8-13., Fig. 4.) If the source address is not authorized, the data may be discarded, and a notification message can be sent to a network management station. (Sherer, col. 6, ll. 37-43.) However, the cited passages of Sherer fail to teach that the monitoring unit is configured to make the warning message compatible with an associated port of the logical layer, as required by Applicants' independent Claim 33. Sherer merely indicates that the notification messages can inform the management station "that a failed authentication occurred." (Sherer, col. 6, ll. 41-43.)

The reference Mori, used by the pending Office Action to form 35 U.S.C. § 103(a) rejections of the dependent claims, fails to remedy the deficiencies of Sherer, even if we assume that such combination is a proper one. Mori describes an ATM network having a filtering table 19 that stores source and destination network-layer and transport-layer addresses. (Mori, Abstract, Fig. 1.) Mori has a signaling processor 31 that sets up requested connections, in the case where the requested data connection will use addresses that are present in the filtering table. (Mori, Fig. 4, col. 5, ll. 26-40.) However, the cited passages of

Mori also fail to teach that the monitoring unit is configured to make the warning message compatible with an associated port of the logical layer, as required by Applicants' independent Claim 33. Mori merely suggest that if the connection between two communication nodes is not granted, the connection procedure is terminated by the signaling processor 31, (Mori, Fig. 4, step 65, Fig. 6, step 86, col. 5, ll. 33-40) or the terminating unit 16 discards the communication packet. (Mori, Fig. 3, step 54, col. 5, ll. 62-65.)

Therefore, even if the combination of Sherer and Mori is assumed to be proper, the cited passages of the combination fail to teach every element of Applicants' independent Claim 33. Specifically, the combination fails to teach the features related to a warning message compatible with an associated port of the logical layer. In addition, because independent Claim 67 recites features that are analogous to the features as discussed above with respect to the pending rejections of Claim 33, the cited passages of Sherer and Mori fail to teach all the features of both Applicants' independent claims. Accordingly, Applicants respectfully traverse, and request reconsideration of the rejections based on Sherer and/or Mori.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 33-60 and 62-73 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Nikolaus P. Schibli, Ph.D.
Registered Patent Agent
Registration No. 56,994

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BRADLEY D. LYTLE
REGISTRATION NO. 40,073